IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 3127 of 2003()

CRL.A.NO.183/2000 OF SESSIONS JUDGE, MANJERI
C.C.NO.339/1996 OF THE JFCM, NILAMBUR

REVN. PETITIONER: APPELLANT/SECOND ACCUSED:

KALAYIL SHAJI, S/O. KUNHIMON,
EDAKKARA AMSOM, PERIKULAM, NILAMBUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AND STATE:

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1. THE SUB INSPECTOR OF POLICE,
NILAMBUR, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-31.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. R.P.No.3127 of 2003

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Dated this the 21st day of November, 2007

O R D E R

The revision petitioner is the second accused in C.C.No.339/1996 in the file of the Judicial Magistrate of the First Class, Nilambur, who stands convicted for the offence under Section 379 read with Section 34 I.P.C and sentenced to undergo simple imprisonment for six months.

2. The prosecution case is that on 18/03/1996 at about 2 a.m in the night the accused dishonestly removed 60 rubber sheets valued at Rs.2,000/- owned by CW.1.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that the revision petitioner is not involved in any other offence and that more than 10 years have elapsed since the date of the incident and that the earnings of the revision petitioner is the sole means of livelihood of his family and it is also submitted that he has also undergone pretrial detention. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 379 I.P.C is modified to imprisonment already undergone and to pay a fine of rupees five

thousand and in default to undergo simple imprisonment for six months. The revision petitioner is granted two months time to remit the fine amount. The criminal revision petition is disposed of as above.

Sd/-
K.R.UDAYABHANU,
Judge

ms

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P.A.to Judge